

1 **ARIZONA STATE BOARD OF PHARMACY**
2 **1616 W. Adams Street, Room 120**
3 **Phoenix, Arizona 85007**
4 **(602) 771-2727**

5 In the Matter of:

6 **THOMAS COPPOLA,**

7 Holder of Pharmacist License

8 No. S017161 in the State of Arizona
9

FINDINGS OF FACT, CONCLUSIONS
of LAW and BOARD ORDER
No. 12-0031-PHR

10
11 Pursuant to Notice of Hearing Number 12-0031-PHR (Notice) this matter came before
12 the Arizona State Board of Pharmacy (Board) on September 29, 2012.

13
14 Dan Milovich, president, presided with vice-president Tom Van Hassel and members
15 James W. Foy, William Francis, Kyra Locnikar, Dennis McAllister, Reuben Minkus and John
16 Musil in attendance.

17
18 The State was represented by the Office of the Attorney General, Monty Lee, Assistant
19 Attorney General, Licensing and Enforcement Section. Thomas Coppola, (Respondent) was
20 not present and was not represented by an attorney. The Board granted the State's motion to deem
21 the allegations in the Complaint to be admitted. Based upon A.R.S. § 32-1927.01(O) and the
22 Complaint and Notice of Hearing No. 12-0031 filed in this matter, the Board issues the following
23 Findings of Fact and Conclusions of Law, and Order revoking Respondent's license.
24

25 **FINDINGS OF FACT**
26

27 1. On November 7, 2010 Respondent was employed by CVS Pharmacies and was
28 working at CVS Pharmacy # 9327 located at 6021 N. Central Avenue, Phoenix Arizona. On
29

1 that date Respondent printed a label, rang through the register and had a customer sign the
2 signature log for a prescription for Novolog 70/30 Syringes. Respondent did not dispense
3 Novolog 70/30 Syringes to the patient but rather gave the patient a vial of unidentified
4 medication. In an interview conducted by CVS Pharmacies personnel on December 21, 2010
5 Respondent was shown a picture of himself giving the patient a dispensing bottle of
6 medication taken from a video surveillance recording and admitted that he did not provide the
7 patient with Novolog 70/30 Syringes as prescribed.
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9

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11 2. On or about September and October 2011 Respondent was employed by Aurora
12 Behavioral Healthcare ("Aurora") located at 6350 S. Maple, Tempe, Arizona and was the
13 pharmacist-in-charge. At the same time Respondent was employed by Fry's Pharmacies and
14 worked at a number of locations. While employed at Aurora Respondent told an Aurora
15 employee that he had devised a way to save Aurora money by taking drugs from Fry's
16 Pharmacies that were going to be thrown out and bringing them to Aurora so the drugs would
17 not have to be ordered by Aurora. In September or October 2011 Respondent brought to
18 Aurora a bottle of Desmopressin 0.1 mg that he had taken from Fry's Pharmacies without
19 authorization or a prescription.
20

21 3. On or about April 19, 2012 Respondent was employed by Fry's Pharmacies and
22 working at Fry's Pharmacy # 623 located at 1815 W. Glendale Ave., Phoenix, Arizona
23 ("Pharmacy"). On that day Respondent was in possession of and brought into the Pharmacy a
24 sealed shipping box containing 72 sealed manufacturer's containers of prescription only
25 medication and bag containing approximately 480 capsules of Cymbalta 60mg. None of the
26 containers had dispensing labels for patients attached. The shipping label on the box with
27 Respondent's address of record with the Board identified Respondent as the shipper. When
28 the sealed box was opened, an invoice identifying the medications was discovered. The
29

1 invoice had hand writing on it which employees of the Pharmacy identified as Respondent's.
2 A copy of the shipping label, copies of photographs of the medications found in the box and a
3 copy of the invoice containing Respondent's hand writing are attached as "Exhibit 1".
4

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9 copy of the invoice containing Respondent's hand writing are attached as "Exhibit 1".
10

11 4. On or about April 19, 2012 Respondent was terminated from his employment at
12 the Pharmacy for violating company policy for bringing a handgun into the Pharmacy but
13 Respondent failed to notify the Board of a change of his employment with ten (10) days of his
14 termination.
15

16 5. Respondent is the holder of license number 18108 to practice as a pharmacist in
17 North Carolina. On or about January 17, 2012 the North Carolina Pharmacy Board suspended
18 Respondent's license indefinitely. Respondent failed to notify the Board of the suspension of
19 his pharmacist license by the North Carolina Pharmacy Board.
20

21 6. Respondent is the holder of license number 18108 to practice as a pharmacist in
22 North Carolina. On or about January 17, 2012 the North Carolina Pharmacy Board suspended
23 Respondent's license indefinitely. Respondent failed to notify the Board of the suspension of
24 his pharmacist license by the North Carolina Pharmacy Board.
25

26 CONCLUSIONS of LAW

27 1. The Board possesses jurisdiction over the subject matter and over Respondent
28 pursuant to A.R.S. § 32-1901 et seq.
29

1 2. The Board may discipline a pharmacist who has engaged in unprofessional
2 conduct. A.R.S. § 32-1927(A) (1).

3
4 3. The conduct and circumstances described above constitutes unprofessional
5 conduct pursuant to A.R.S. § 32-1901.01 (B) (2) (Violating any federal or state law, rule or
6 regulation relating to the manufacture or distribution of drugs and devices or the practice of
7 pharmacy).

8
9 4. The conduct and circumstances described above constitutes unprofessional
10 conduct pursuant to A.R.S. § 32-1901.01 (B) (10) (Violating a federal or state law or
11 administrative rule relating to marijuana, prescription-only drugs, narcotics, dangerous drugs,
12 controlled substances or precursor chemicals when determined by the Board or by conviction
13 in a federal or state court).

14
15 5. The conduct and circumstances described above constitutes unprofessional
16 conduct pursuant to A.R.S. § 32-1901.01 (B) (11) (Knowingly dispensing a drug without a
17 valid prescription order as required pursuant to A.R.S. § 32-2969 (A)).

18
19 6. The conduct and circumstances described above constitutes unprofessional
20 conduct pursuant to A.R.S. § 32-1901.01 (B) (19) (Violating or attempting to violate, directly
21 or indirectly, or assisting in or abetting in the violation of, or conspiring to violate this
22 chapter).

23
24 7. The conduct and circumstances described above constitutes unprofessional
25 conduct pursuant to A.R.S. § 32-1901.01 (B) (23) (Participating in an arrangement or
26 agreement to allow a prescription order or a prescription medication to be left at , picked up
27 from, accepted by or delivered to a place that is not licensed as a pharmacy).

8. The conduct and circumstances described above constitutes unprofessional conduct pursuant to A.A.C. R4-23-404 (C) (A pharmacist shall not claim the performance of a service that the pharmacist knows was not performed, such as, claiming to have dispensed a prescription medication that was not dispensed).

9. The conduct and circumstances described above constitutes unprofessional conduct pursuant to A.A.C. R4-23-404 (E) (1) (A pharmacist shall ensure that a prescription-only drug is dispensed only after the receipt of a valid prescription order from a licensed practitioner).

10. The conduct and circumstances described above constitutes unprofessional conduct pursuant to A.A.C. R4-23-404 (E) (2) (A pharmacist shall ensure that the dispensed prescription-only medication is properly prepared, packaged, and labeled).

ORDER

In view of the above Findings of Fact and Conclusions of Law, the Board issues the following Order:

The pharmacist license issued to THOMAS COPPOLA is hereby revoked.

RIGHT TO PETITION FOR REHEARING OR REVIEW

Respondent is hereby notified of the right to petition for a rehearing or review by filing a petition with the Board's Executive Director within thirty (30) days after service of this Order. A.R.S. § 41-1092.09. The petition must set forth legally sufficient reasons for granting a rehearing. A.C.C. R4-23-128. Service of this order is effective five (5) days after date of

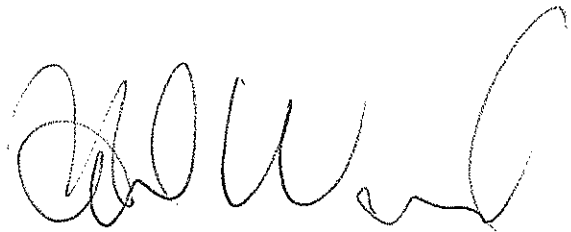
1 mailing. If a motion for rehearing is not filed, the Board's Order becomes effective thirty-five
2 (35) days after it is mailed to Respondent.

3
4 Respondent is further notified that the filing of a motion for rehearing is required to
5 preserve any rights of appeal to the Superior Court.

6 DATED this 21st day of September, 2012.

7
8 **ARIZONA STATE BOARD OF PHARMACY**

9
10 SEAL

11
12
13 

14 Hal Wand, R.Ph.
Executive Director

15
16
17 COPY OF THE FOREGOING MAILED
18 BY CERTIFIED & REGULAR FIRST-CLASS MAIL
this 27 day of September, 2012, to:

19 Arizona State Board of Pharmacy
20 1616 W. Adams Street
21 Phoenix, Arizona 85007

22 COPY OF THE FOREGOING MAILED
23 BY CERTIFIED & REGULAR FIRST-CLASS MAIL
this 27 day of Sept, 2012, to:

24 Thomas Coppola
25 4043 W. Desert Hollow Dr.
Phoenix, Arizona 85083

26 COPY OF THE FOREGOING MAILED
27 this 27 day of Sept, 2012, to:

28 Christopher Munns
29 Assistant Attorney General
1275 W. Washington Street, CIV/SGO
Phoenix, Arizona 85007

1 Attorney for the Board

2 Montgomery Lee

3 Assistant Attorney General

4 1275 W. Washington Street, CIV/LES

5 Phoenix, Arizona 85007

6 Attorney for the State _____